

32 (new). The composition of claim 29, wherein said gene product expression affecting material includes at least one of substantially purified galactose or substantially purified glucans.

33 (new). The composition of claim 29, wherein said gene product expression affecting material includes at least one of substantially purified fructose, lactose, sucrose and glucose.

34 (new). The composition of claim claim 29, further comprising a substantially purified lactase.

35 (new). The composition of claims 12, 13, 14 or 15, further comprising at least one of a substantially purified phospholipid containing material and a substantially purified lipase.

REMARKS

Claims 1-20 remain in the case. Claims 3-4, 9-11 and 16 have been withdrawn. New claim 21-35 have been added. Some claims have been amended to address §112 issues. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

Specification

The Preliminary Amendment filed December 4, 2001, was objected to as introducing new matter. Applicant requests the withdrawal of the insertions at page 4, line 25; page 6, line 26; and page 7, line 2; as requested by the Examiner.

The title and specification are amended above to remove the term genomeceutical. The specification has been amended to provide the correct spelling of cysteine and as otherwise appropriate.

Claims

Several claims were rejected under 35 U.S.C. §112, second paragraph. Objectionable terms such as "genomeceutical," "physiologically effective amount," "DPPIV like," "of the type," and "phytase like" have been removed from the claims. "Acid fast protease" has been clarified where it occurs and the term "compound" at claim 17,

line 10, has been changed to "composition" as helpfully suggested by the Examiner.

Substantive Rejections

Claims 1,2,6,17,19 and 20 are rejected under 35 U.S.C. §102 as being anticipated by Chantler.

Claim 1 has been amended to recite, in relevant part:

"... a substantially purified peptidase that cleaves proline containing peptides."

Claim 17 has been amended to recite, in relevant part:

"... a substantially purified peptidase that cleaves proline containing peptides, and a substantially purified phytase"

Chantler does not disclose this subject matter.

Claims 1,2,6-8,12,14,15 and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Knap et al.

As noted above, Claim 1 has been amended to recite, in relevant part:

"... a substantially purified peptidase that cleaves proline containing peptides"

and Claim 17 has been amended to recite, in relevant part:

"... a substantially purified peptidase that cleaves proline containing peptides, and a substantially purified phytase"

In addition, claim 12 has been amended to recite, in relevant part:

"... a therapeutically effective amount of a substantially purified peptidase that that cleaves proline containing peptides for treating autism."

This subject matter is not disclosed or suggested in Knap. Knap is not directed towards teaching or suggesting therapeutic formulations, but rather towards the formation of tablets. While Knap provides a "laundry list" of possible components, for example, col. 2, lines 37-51, Knap does not disclose the subject matter of the pending claims nor suggest the combination of the various elements recited in the claims.

Claims 20,22 and 30 as presented above recite subject matter indicated by the Examiner as being allowable.

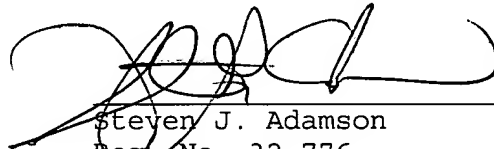
In view of the foregoing Amendments and these Remarks, Applicant respectfully submits that Claims 1-2,5-8,12-15 and 17-35 are now in

condition for allowance and early notification of same is respectfully requested. Should the Examiner believe that a telephone conference would help further the prosecution of this case, the Examiner is requested to contact the undersigned at the listed telephone number.

The Assistant Commissioner is hereby authorized to charge underpayment of any fees (including any filing fees under 37 C.F.R. \$1.16 for additional claims and any patent application processing fees under 37 C.F.R. \$1.17 including any fee for extension of time) associated with this communication or credit any overpayment to Deposit Account No. 01-0272. A duplicate copy of this authorization is enclosed.

Respectfully Submitted
on behalf of Applicant,

Date: 8-1-03



Steven J. Adamson
Reg. No. 32,776

Steven J. Adamson, PC
P.O. Box 5997
Portland, OR 97228
Tel: 503.248.0100
Fax: 503.248.0105
sja@ip-rights.com
Cust. No.: 25,866